

ITEM NO.30 Court 1 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s).314/2021

MANOHAR LAL SHARMA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

([ONLY W.P.(C) No. 890/2021 IS LISTED UNDER THIS ITEM])

WITH

W.P.(C) No. 890/2021 (PIL-W)

(FOR STAY APPLICATION ON IA 97803/2021

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 104702/2021

IA No. 104702/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 97803/2021 - STAY APPLICATION)

Date : 17-12-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Harish Salve, Sr.Adv.
 Mr. Mahesh Jethmalani, Sr.Adv.
 Mr. Mishra Saurabh, AOR

Petitioner-in-person

For Respondent(s) Mr. Tushar Mehta, SG
 Mr. K.M. Nataraj, ASG
 Mr. Gurmeet Singh Makker, AOR
 Mr. Kanu Agawal, Adv.
 Mr. Rajat Nair, Adv.
 Mr. Ankur Talwar, Adv.

For R.No.4 Dr. Abhishek Manu Singhvi, Sr.Adv.
 Mr. Anand Grover, Sr.Adv.
 Mr. Suhaan Mukerji, Adv.
 Mr. Vishal Prasad, Adv.
 Mr. Amit Bhandari, Adv.
 Mr. Sayandeep Paharii, Adv.
 For M/S. Plr Chambers And Co., AOR

UPON hearing the counsel the Court made the following

O R D E R

The Court is convened through Video Conferencing.

W.P.(C) No. 890/2021

On the last occasion when this matter was heard along with the batch matters connected with W.P. (CrI.) No. 314/2021, the learned senior counsel for the Petitioner, Mr. Harish Salve sought a stay on the proceedings of the Commission of Inquiry appointed vide Notification dated 26.07.2021 by the State of West Bengal [*hereinafter*, "the Commission"]. At that juncture, learned senior counsel for the State of West Bengal, Dr. Abhishek Manu Singhvi had submitted to the Court that no orders were necessary.

Today when the matter came up for hearing, learned senior counsel for the Petitioner, Mr. Harish Salve, submits that despite the undertaking given by the State, the Commission is continuing with the proceedings. Dr. Abhishek Manu Singhvi, learned senior counsel, submits that as he is representing only respondent No.4 - State of West Bengal, hence he cannot make a statement on behalf of the Commission.

Mr. Harish Salve submits that the Commission may be impleaded as a party-respondent on his oral prayer.

In view of this, the Commission constituted vide Notification dated 26.07.2021 bearing No.91-COI/PL/0/44C-7/21 through its Registrar/Secretary is ordered to be impleaded as respondent No.5.

Issue notice to the newly impleaded Respondent No. 5.

In the meantime, all the proceedings pending before the Commission shall remain stayed.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)